

# Exhibit 4

Deposition of Joel Hohenshelt / February 9, 2011

Page 1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation ) Master File No.  
This Document Relates To: ) 1:00-1898  
City of Fresno v. Chevron )  
U.S.A., Inc., et al, Case )  
No. 04 Civ. 4973 )  
(SAS) )  
\_)

DEPOSITION OF JOEL HOHENSHELT

Wednesday, February 9, 2011, 9:24 a.m.

Deposition Officer:  
Patricia Coward, CSR No. 5142

Taken in the offices of:

The Radisson Hotel  
2233 Ventura Street  
Fresno, California

1 A. Yes. Yes, it is.

2 Q. So was there a point that you took over the Red  
3 Triangle Company?

4 A. I don't quite understand.

5 Q. Well, you mentioned your father is deceased.

6 A. Yes.

7 Q. So is there a point where you became the owner?

8 A. Yes. I became the owner upon his -- I was a --  
9 I was an employee for many years with him, became of  
10 course a stockholder, and upon his demise, my sister  
11 and I became the owner of the majority of the stock in  
12 Red Triangle Oil Company. It was then called -- it was  
13 a corporation, Intercity Petroleum Marketers,  
14 Incorporated, dba Red Triangle Oil Company, doing  
15 business as Red Triangle Oil Company.

16 When the Shehadeys purchased it, they wanted to  
17 purchase the name Red Triangle, and I agreed to that,  
18 so I took the corporation, because it had some assets  
19 and -- on a piece of property, and I kept the  
20 corporation. It's still alive today. Intercity  
21 Petroleum is still alive today. Only the dba is TTA  
22 Consultants, which was a corporation that I had formed  
23 earlier on.

24 Q. So let me see if I have this straight. So  
25 you're still the owner of Intercity Petroleum today?

Page 32

1 think what you described as the FEA handed you off to  
2 Chevron; during that time, it sounded like you were,  
3 you said resisting that with an injunction of some  
4 kind.

5 A. Yeah.

6 Q. What was the station branded, if anything, at  
7 that time?

8 A. At that time, it was Gulf.

9 Q. And after Gulf, was there another brand that  
10 your station used?

11 A. We branded our own station as Triangle.

12 Q. Not Red Triangle? Just Triangle?

13 A. Well, it was Red Triangle. We had a -- our sign  
14 had a Red Triangle in it.

15 Q. What year did you start using that as your  
16 brand?

17 A. I don't know. I really don't know. I can't  
18 remember.

19 Q. Subsequent to Red Triangle, have you gone to any  
20 other brand being used?

21 A. Well, that -- again, Shehadey took it over under  
22 the Red Triangle brand, and, excuse me, and as far as I  
23 know, one of their main suppliers is Valero.

24 Q. When it switched from being branded Gulf to Red  
25 Triangle, would that have been in the 1970's?

Deposition of Joel Hohenshelt / February 9, 2011

Page 33

1 A. I can't be specific. I'd have to go back in the  
2 records and find out. I don't know exactly when it  
3 changed over, because at that -- during -- it was  
4 before I went into business for myself; I do know that.  
5 And after -- well, I have to look at my biography here.

6 Q. Sure.

7 A. After that, I've lost complete track of  
8 everything.

9 Q. Okay. Now, we'll go to your biography again.

10 A. Okay.

11 Q. Not trying to have you guess. Just seeing if  
12 you recall. When you say went into business for  
13 yourself, that's the construction business you  
14 mentioned earlier?

15 A. Yes. I was a construction -- well, I had a  
16 paving company to start with, and then later on I  
17 became a construction inspector.

18 Q. After the stations became branded Red Triangle,  
19 did they remain branded Red Triangle until the time you  
20 sold to Mr. Shehadey?

21 A. Yes.

22 Q. Now, as far as where you were purchasing  
23 gasoline from, you mentioned you were buying gas, I  
24 think you said mainly by exchange agreements, but is  
25 that something you were talking about as being several

1 Mr. Shehadey?

2 A. We had service stations. The Shehadeys owned a  
3 small, four or five, maybe a little more, convenience  
4 stores, and it was called Shop and Go, and they were  
5 buying gasoline from us. And we had a couple of  
6 stations that we owned that they ran. And so it was  
7 just a natural thing that they might be interested, and  
8 I went to John, and he and I worked out a deal, and  
9 then I basically asked John to loan me enough money to  
10 buy her out, and then we'd negotiate the deal. And  
11 that's exactly what we did.

12 Q. So you initially bought out your sister's  
13 interest and then --

14 A. Well, it was a double escrow, all in the same  
15 deal. We all sat at the same table, the attorneys were  
16 involved, the paperwork was handed around, and that was  
17 the end of it.

18 Q. So then when that transaction occurred,  
19 basically you and your sister's interests all wound up  
20 with Mr. Shehadey?

21 A. Correct.

22 Q. Now, I think you said earlier, was it in regard  
23 to the 2809 South Chestnut, I thought you had said  
24 something to the effect that you were still the owner?

25 A. I am. I'm still the owner. When my dad had

1 A. Manager.

2 Q. -- manager? Right. And so the current lessee  
3 of the property is Red Triangle Oil Company, and that's  
4 with the name having been taken over by Mr. Shehadey?

5 A. That's correct.

6 Q. As far as underground storage tanks, are there  
7 some there presently?

8 A. No.

9 Q. Do you know when they were removed?

10 A. 1998. December of '98.

11 Q. And I think we have some documents; again, not  
12 just trying to test your memory on it. Were there any  
13 tanks put back in after that date?

14 A. There were tanks put back in, but they were not  
15 underground tanks. They were aboveground tanks.

16 Q. So have there been any underground tanks at the  
17 property after 1998?

18 A. There -- I think there's one still, but it's not  
19 used. It's abandoned basically. And I think it was a  
20 weed oil tank, to be honest with you. And it may have  
21 been dug up. I don't know.

22 Q. So who has ownership of the current tanks that  
23 are there aboveground?

24 A. Red Triangle. I own the aboveground tanks right  
25 presently, and then Shehadey has an option to purchase

1 recall, sold back in the 1970's?

2 A. Yeah, there were leaded -- leaded -- there was  
3 -- all gasoline was leaded back in those days. And we  
4 had to -- in fact I went to the Small Business  
5 Administration and got a loan to go around to all the  
6 gas stations and clean the tanks for -- preparing them  
7 for, quote, unquote, "unleaded gasoline." So I was  
8 involved then, but that's way back.

9 Q. About how many stations did Red Triangle have at  
10 its peak?

11 A. Well, flying either the Wilshire brand or the  
12 Gulf bland or the Red Triangle brand at one time  
13 probably, and scattered over three or four counties,  
14 something like maybe 50 or 60 gas stations.

15 Q. At the time you sold to Mr. Shehadey, were there  
16 other stations besides at 2809 South Chestnut?

17 A. Yes. There were a number of stations that were  
18 sold to the Shehadeys and -- in the sale deal.

19 Q. Were there any others in Fresno?

20 A. Well, let's see. There's one in Clovis, there's  
21 Cedar, and Gettysburg is one that was sold to them.  
22 There was a total of about five, but they're not in  
23 Fresno. There's Kingsburg, there's Kettleman City, so  
24 I'd have to sit down with the list and go through them  
25 again, so.

1 in those approximate locations?

2 A. Yeah. The locations are not correct, but  
3 they're -- you know, there's no room on this thing for  
4 scaling. Those tanks set quite a bit over farther to  
5 the left than the drawing shows, but yeah, those were  
6 two 20,000-propane tanks that, when I was there, were  
7 installed.

8 Q. When you say farther to the left, so it would be  
9 toward where, for example, the number 135 is written?

10 A. Yes, yes, it would be over farther. It was not  
11 in line with those tanks.

12 Q. Now, let me ask you, can you describe for us, we  
13 started to talk about what happened at the box labeled  
14 "Loading rack."

15 A. Uh-huh.

16 Q. You said there were, I think you said, smaller  
17 trucks loaded?

18 A. Yeah. Well, what happened there would be, our  
19 tankers would pick up the fuel, bring it in, put it in  
20 these tanks here, and then it would subsequently be  
21 loaded onto smaller tank -- trucks that went out in the  
22 field and delivered fuel to farm and commercial  
23 accounts.

24 Q. Now, at the time -- I think we talked about what  
25 happened at the time you left the Red Triangle in the

1 1970's. During, say the 1980's and '90's, did you have  
2 any knowledge as to where Red Triangle was buying its  
3 gasoline from?

4 A. No, I did not.

5 Q. At the time when your father passed away and you  
6 were arranging the sale to Mr. Shehadey, did you obtain  
7 any information as to where Red Triangle was buying its  
8 gasoline from at that time?

9 A. No, I did not.

10 Q. You described earlier that there was a -- the  
11 pipeline initially, I think you said to Bakersfield,  
12 later that was run up to Fresno; is that right?

13 A. Apparently that's what happened. There were  
14 refineries in Bakersfield. I can remember as a kid  
15 going down there with my dad to pick up gasoline in a  
16 truck. Eventually the pipeline was put in, and then  
17 one, two or three other refineries were hooked up to  
18 that pipeline and put fuel to Fresno through the  
19 Southern Pacific pipeline.

20 Q. When you mentioned Southern Pacific pipeline,  
21 did you ever hear or learn that that later became known  
22 as the Kinder-Morgan pipeline?

23 A. It was sold, as I understand it, yes.

24 Q. Did you have any knowledge or information as to  
25 whether Red Triangle was continuing to buy gasoline